

AMENDED IN ASSEMBLY JUNE 17, 2010

AMENDED IN ASSEMBLY JUNE 10, 2010

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 653

Introduced by Senator Correa

February 27, 2009

~~An act to amend Section 21350 of the Government Code, relating to state retirement.~~ *An act relating to state employees.*

LEGISLATIVE COUNSEL'S DIGEST

SB 653, as amended, Correa. ~~State retirement: benefits.~~ *State employees: memorandum of understanding.*

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of a memorandum of understanding entered into between the state employer and an unspecified bargaining unit, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of

funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.

~~The Public Employees' Retirement Law (PERL) provides a comprehensive set of rights and benefits for various employees of the state and local agencies. That law also establishes the Public Employees' Retirement System (PERS) and sets forth the provisions for the delivery of benefits, including retirement benefits to its members. Under that law, the retirement benefits of a retirement system member are based, in part, on the completed service credit and compensation received by that member. Existing law specifies the components that constitute a member's service retirement allowance.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares that the*
- 2 *purpose of this act is to approve an agreement pursuant to Section*
- 3 *3517.5 of the Government Code entered into by the state employer*
- 4 *and State Bargaining Unit ____.*
- 5 *SEC. 2. The provisions of the memorandum of understanding*
- 6 *prepared pursuant to Section 3517.5 of the Government Code and*
- 7 *entered into by the state employer and State Bargaining Unit ____,*
- 8 *dated ____, and that require the expenditure of funds, are hereby*
- 9 *approved for the purposes of Section 3517.6 of the Government*
- 10 *Code.*
- 11 *SEC. 3. The provisions of the memorandum of understanding*
- 12 *approved by Section 2 of this act that are scheduled to take effect*
- 13 *immediately, and that require the expenditure of funds, shall not*
- 14 *take effect unless funds for these provisions are specifically*
- 15 *appropriated by the Legislature. If funds for these provisions are*
- 16 *not specifically appropriated by the Legislature, the state employer*
- 17 *and the affected employee organization shall meet and confer to*
- 18 *renegotiate the affected provisions.*

1 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
2 *Code, the provisions of any memorandum of understanding that*
3 *require the expenditure of funds shall become effective even if the*
4 *provisions of the memorandum of understanding are approved by*
5 *the Legislature in legislation other than the annual Budget Act.*

6 ~~SECTION 1. Section 21350 of the Government Code is~~
7 ~~amended to read:~~

8 ~~21350. Upon retirement for service, a member is entitled to~~
9 ~~receive a service retirement allowance that shall consist of:~~

10 ~~(a) The member's service retirement annuity, including, with~~
11 ~~respect to patrol members and solely in respect to the portion of~~
12 ~~the annuity derived from the normal accumulated contributions of~~
13 ~~those members, respectively, automatic continuance to a surviving~~
14 ~~spouse, or if there is no spouse at retirement, to surviving children,~~
15 ~~or if there are no eligible surviving children at retirement, to~~
16 ~~surviving dependent parents as provided in this article.~~

17 ~~(b) The member's current service pension.~~

18 ~~(c) The member's prior service pension.~~